

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JENNIFER WALTON,

Plaintiff,

v.

STATE OF NEVADA,

Defendant.

Case No. 2:24-cv-02235-CDS-EJY

**ORDER
AND
REPORT AND RECOMMENDATION**

Pending before the Court is Plaintiff's second Application to Proceed *in forma pauperis* together with her Petition for Redress of Grievances/Cross Bill. ECF Nos. 4, 5. This is Plaintiff's second filing before the Court that fails to plead any decipherable claim. See ECF No. 1-2 and leave to amend at ECF No. 3.

District courts have the authority to dismiss cases *sua sponte* without notice to the plaintiff when he "cannot possibly win relief." *Sparling v. Hoffman Constr. Co.*, 864 F.2d 635, 638 (9th Cir. 1988). A complaint should be dismissed for failure to state a claim upon which relief may be granted "if it appears beyond a doubt that the plaintiff can prove no set of facts in support of his claims that would entitle him to relief." *Buckey v. Los Angeles*, 968 F.2d 791, 794 (9th Cir. 1992). A complaint may be dismissed as frivolous if it is premised on a nonexistent legal interest or delusional factual scenario. *Neitzke v. Williams*, 490 U.S. 319, 327-28 (1989). Moreover, "a finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible, whether or not there are judicially noticeable facts available to contradict them." *Denton v. Hernandez*, 504 U.S. 25, 33 (1992). When a court dismisses a complaint, the plaintiff should be given leave to amend with directions as to curing its deficiencies, unless it is clear from the face of the complaint that the deficiencies could not be cured by amendment. See *Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995).

Plaintiff's current filing includes a series of numbered paragraphs that allege largely indecipherable facts untethered to any specific defendant or violation of law. Plaintiff speaks of

1 migrating from her ancestral lands, an unlawful towing of her vehicle, and a trespass on her freedom.
2 ECF No. 5 at 3. The Court finds Plaintiff's filing is frivolous and delusional, and does not state a
3 claim upon which relief can be granted. The Court further finds amendment would be futile as
4 Plaintiff appears to claim she is a sovereign citizen. *Id.* at 2.

5 Accordingly, IT IS HEREBY ORDERED that Plaintiff demonstrates an inability to pay the
6 filing fee associated with commencing an action in this Court and, on that basis the Court GRANTS
7 her Application to Proceed *in forma pauperis* (ECF No. 4).

8 IT IS HEREBY RECOMMENDED that Plaintiff's Petition for Redress of Grievances/Cross
9 Bill (ECF No. 5) be DENIED with prejudice as it appears beyond doubt that Plaintiff cannot state a
10 claim upon which relief may be granted.

11 Dated this 19th day of February, 2025.

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14 ELAYNA J. YOUCHAK
UNITED STATES MAGISTRATE JUDGE

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16 **NOTICE**

17 Under Local Rule IB 3-2, any objection to this Report and Recommendation must be in
18 writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court holds
19 the courts of appeal may determine that an appeal has been waived due to the failure to file objections
20 within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). The Ninth Circuit also held
21 that (1) failure to file objections within the specified time and (2) failure to properly address and
22 brief the objectionable issues waives the right to appeal the District Court's order and/or appeal
23 factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.
24 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).